

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MIN JI GOO DYER,  
Plaintiff,

v.

JOHN DOES 1-10,  
Defendant.

Case No. 23-cv-01226-JCS

**ORDER GRANTING IN PART AND  
DENYING IN PART EX-PARTE  
APPLICATION FOR LEAVE TO  
SERVE THIRD-PARTY SUBPOENAS  
PRIOR TO A RULE 26(F)  
CONFERENCE**

**ORDER TO FILE REDACTED  
APPLICATION**

Re: Dkt. No. 17

Plaintiff, who is now proceeding pro se, has filed an Ex Parte Application for Leave to Serve Third-Party Subpoena, dkt. no. 17 (“Second Application”). As a preliminary matter, the Court has locked this document to deny public access to it because it lists the full birth dates of a number of individuals. Under Rule 5.2 of the Federal Rules of Civil Procedure, which sets forth privacy protections for filings with the Court, filings that contain birth dates may only list the birth year of the individual. Therefore, Plaintiff is ORDERED to file a redacted version of docket no. 17 that discloses only the birth years of the individuals identified in that document within thirty (30) days.

On the merits, the Court interprets Plaintiffs’ Second Application as seeking leave to issue a subpoena *only* as to Google Inc. Even though there are occasional references in the papers that

1 suggest Plaintiff might also be seeking leave to subpoena other entities (e.g., various banks,  
2 Coinbase, Binance and Bandwidth), Plaintiff states at the outset of her Application that the banks  
3 have already cooperated with her previous ex parte application to serve third party subpoenas, see  
4 dkt. no. 5 (“First Application”), and further, that although Binance and Coinbase have “not been  
5 cooperative” in their responses to her earlier subpoenas, she does not seek to compel those entities  
6 to comply with them. Second Application at ECF pp. 5-6. The Court also notes that the proposed  
7 order supplied by Plaintiff only seeks leave to subpoena Google Inc.

8 Plaintiff has presented evidence that Google Inc. is likely to maintain identifying  
9 information as to the owners of two telephone numbers that were the subject of an earlier  
10 subpoena to Bandwidth (“Bandwidth Subpoena”) under the Court’s order approving the First  
11 Application, 510-689-1529 and 216-202-5727. In particular, Plaintiff has provided a response to  
12 the Bandwidth Subpoena from Bandwidth stating that it is a wholesale provider and does not have  
13 a relationship with the end user of a telephone number; rather, Bandwidth’s wholesale customers  
14 are “the only source for complete records and information” related to Bandwidth telephone  
15 numbers. Dkt. no. 17-5 at ECF pp. 1-2. Bandwidth further states that the wholesale customer  
16 associated with the two telephone numbers listed above is Google Inc. *Id.*

17 In its order granting the First Application, the Court expressly permitted Plaintiff to issue  
18 Rule 45 subpoenas not only to the named entities but also any related entity identified by the  
19 subpoena recipient as being in possession of the information sought in the subpoena. Dkt. no. 7  
20 (March 23, 2023 Order granting First Application) ¶ 4. Therefore, Plaintiff may issue a Rule 45  
21 subpoena as to Google Inc. to obtain identifying information, as set forth below, as to 510-689-  
22 1529 and 216-202-5727.

23 On the other hand, Plaintiff has not made an adequate showing as to the three other  
24 telephone numbers listed in the Second Application (847-906-2745, 618-386-5007 and 512-843-  
25 1617). These telephone numbers were not addressed in the First Applications and the Court did  
26 not grant leave to issue Rule 45 subpoenas as to those numbers. Nor has Plaintiff provided  
27 evidence linking these telephone numbers to Google Inc. or establishing that disclosure of  
28 identifying information about the owners of these numbers is warranted. Likewise, the Court did

not authorize early discovery as to any of the email accounts Plaintiff lists in her Second Application (BenBarnesManagementTeam@gmail.com, TFXCMarkets@gmail.com, Support@TFXCmarkets.com, CEOmanagementTeam1@gmail.com, OMGitsMelania@gmail.com, BenBarnes976@gmail.com and info@TFXCmarkets.com). Assuming that Google Inc. maintains identifying information as to the owners of the gmail addresses, Plaintiff has not provided evidence sufficient to establish that the owners of these addresses were likely involved in the fraudulent conduct alleged in the Complaint.<sup>1</sup> As to the other email addresses, there is no evidence in the record showing that Google Inc. maintains identifying information as to these accounts. Therefore, the Court DENIES Plaintiff's request to issue a Rule 45 subpoena for identifying information as to these telephone numbers and accounts, without prejudice to Plaintiff bringing a renewed motion supported by proof that early discovery as to these accounts is warranted.

Accordingly, the Court ORDERS AS FOLLOWS:

1. Plaintiff has established that "good cause" exists for it to serve a third party subpoena on Google Inc. seeking the information described below. *See UMG Recording, Inc. v. Doe*, 2008 WL 4104214, \*4 (N.D. Cal. 2008); *Strike 3 Hldgs. LLC v. Subscriber Assigned IP Address 135.180.67.148*, 22-cv-2886, 2022 WL 1645941, at \*2 (N.D. Cal. May 24, 2022); *Jocobo v. Doe*, 1:22-cv-672, 2022 WL 2079766, at \*3 (E.D. Cal. June 9, 2022).
2. Plaintiff may serve Google Inc. with a Rule 45 subpoena commanding it to produce all documents regarding, reflecting, containing, recording, or memorializing the legal names, authorized users, beneficiaries, Internet Service Provider ("ISP") addresses, proofs of identification (such as government-issued photo ID), two-factor identification methods, dates of birth, Social Security Numbers, telephone numbers, electronic mail addresses,

---

<sup>1</sup> The Court notes that Plaintiff referred to numerous attachments in her Second Application (Attachments B-G) that she did not supply to the Court. To the extent that the attachments referenced in the Second Application contain evidence that addresses the shortcomings identified by the Court, Plaintiff will be permitted to file a renewed application to make the requisite showing, if she can. Plaintiff is cautioned, however, that to the extent she seeks to file documents that contain private information such as birth dates, social security numbers and bank account numbers, she must abide by Fed.R.Civ.P. 5.2 and where applicable, follow the procedure that applies to requests to file under seal set forth in Civil Local Rule 79-5.

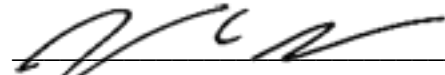
1 residential/mailing addresses, account opening and closing documentation, and Know  
2 Your Customer (“KYC”) and Anti-Money Laundering (“AML”) information (collectively  
3 “Identifying Information”) for any accounts (“Accounts”) associated with the telephone  
4 numbers 510-689-1529 and 216-202-5727. Plaintiff shall attach to any such subpoena a  
5 copy of this Order.

- 6 3. Plaintiff may serve Rule 45 subpoenas on any of Google Inc.’s corporate parents,  
7 subsidiaries, or affiliates (“Related Entities”), as may be necessary to effectuate the  
8 subpoenas and the purpose of this Order. In particular, should Google Inc., in response to  
9 Plaintiff’s subpoena, identify a Related Entity as being in possession of the information or  
10 documents described above, Plaintiff may also serve a Rule 45 subpoena in the same  
11 manner on the Related Entity.
- 12 4. Within thirty (30) days from the date of service upon it of the subpoena, Google Inc. shall  
13 serve any individual or entity whose identifying information is sought with a copy of the  
14 subpoena and a copy of this order. Google Inc. may serve any such individual or entity  
15 using any reasonable means, including written notice sent to the individual or entity’s last  
16 known address, transmitted either by first-class mail or via overnight service.
- 17 5. Each individual or entity whose identifying information is subject to disclosure under the  
18 subpoena shall have thirty (30) days from the date of service to file any motions in this  
19 Court contesting the subpoena (including a motion to quash or modify the subpoena). If the  
20 30-day period after service has lapsed as to all such individuals and entities and no motion  
21 to quash has been filed, Google Inc. shall have ten (10) days to produce to Plaintiff the  
22 information responsive to the subpoena or bring its own motion to quash.
- 23 6. Google Inc. shall preserve all subpoenaed information pending final resolution of any  
24 timely filed motion to quash the subpoena with respect to such information.
- 25 7. Any information disclosed to Plaintiff in response to a subpoena authorized herein may be  
26 used by Plaintiff solely for the purpose of protecting her rights with respect to the claims  
27 she asserts in her complaint.  
28

1 8. Plaintiff shall serve the Rule 45 subpoena(s), along with a copy of this Order, in the  
2 manner set forth in Fed.R.Civ. P. 45(b).

3 **IT IS SO ORDERED.**

4  
5 Dated: December 6, 2023



JOSEPH C. SPERO  
United States Magistrate Judge